

SENATE, No. 3223

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 7, 2020

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Senator Pou

SYNOPSIS

Provides that electric vehicle charging infrastructure is inherently beneficial, may require minor site plan approval, and is permitted accessory use and structure.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/11/2021)

1 AN ACT concerning electric vehicle charging infrastructure and
2 amending and supplementing P.L.1975, c.291 (C.40:55D-1 et
3 seq.).

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. Section 3.1 of P.L.1975, c.291 (C.40:55D-4) is amended to
9 read as follows:

10 3.1. "Days" means calendar days.

11 "Density" means the permitted number of dwelling units per
12 gross area of land that is the subject of an application for
13 development, including noncontiguous land, if authorized by
14 municipal ordinance or by a planned development.

15 "Developer" means the legal or beneficial owner or owners of a
16 lot or of any land proposed to be included in a proposed
17 development, including the holder of an option or contract to
18 purchase, or other person having an enforceable proprietary interest
19 in such land.

20 "Development" means the division of a parcel of land into two or
21 more parcels, the construction, reconstruction, conversion,
22 structural alteration, relocation or enlargement of any building or
23 other structure, or of any mining excavation or landfill, and any use
24 or change in the use of any building or other structure, or land or
25 extension of use of land, for which permission may be required
26 pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.).

27 "Development potential" means the maximum number of
28 dwelling units or square feet of nonresidential floor area that may
29 be constructed on a specified lot or in a specified zone under the
30 master plan and land use regulations in effect on the date of the
31 adoption of the development transfer ordinance or on the date of the
32 adoption of the ordinance authorizing noncontiguous cluster, and in
33 accordance with recognized environmental constraints.

34 "Development regulation" means a zoning ordinance,
35 subdivision ordinance, site plan ordinance, official map ordinance
36 or other municipal regulation of the use and development of land, or
37 amendment thereto adopted and filed pursuant to P.L.1975, c.291
38 (C.40:55D-1 et seq.).

39 "Development restriction" means an agricultural restriction, a
40 conservation restriction, or a historic preservation restriction.

41 "Development transfer" or "development potential transfer"
42 means the conveyance of development potential, or the permission
43 for development, from one or more lots to one or more other lots by
44 deed, easement, or other means as authorized by ordinance.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 "Development transfer bank" means a development transfer bank
2 established pursuant to section 22 of P.L.2004, c.2 (C.40:55D-158)
3 or the State TDR Bank.

4 "Drainage" means the removal of surface water or groundwater
5 from land by drains, grading or other means and includes control of
6 runoff during and after construction or development to minimize
7 erosion and sedimentation, to assure the adequacy of existing and
8 proposed culverts and bridges, to induce water recharge into the
9 ground where practical, to lessen nonpoint pollution, to maintain
10 the integrity of stream channels for their biological functions as
11 well as for drainage, and the means necessary for water supply
12 preservation or prevention or alleviation of flooding.

13 "Environmental commission" means a municipal advisory body
14 created pursuant to P.L.1968, c.245 (C.40:56A-1 et seq.).

15 "Erosion" means the detachment and movement of soil or rock
16 fragments by water, wind, ice and gravity.

17 "Final approval" means the official action of the planning board
18 taken on a preliminarily approved major subdivision or site plan,
19 after all conditions, engineering plans and other requirements have
20 been completed or fulfilled and the required improvements have
21 been installed or guarantees properly posted for their completion, or
22 approval conditioned upon the posting of such guarantees.

23 "Floor area ratio" means the sum of the area of all floors of
24 buildings or structures compared to the total area of land that is the
25 subject of an application for development, including noncontiguous
26 land, if authorized by municipal ordinance or by a planned
27 development.

28 "General development plan" means a comprehensive plan for the
29 development of a planned development, as provided in section 4 of
30 P.L.1987, c.129 (C.40:55D-45.2).

31 "Governing body" means the chief legislative body of the
32 municipality. In municipalities having a board of public works,
33 "governing body" means such board.

34 "Historic district" means one or more historic sites and
35 intervening or surrounding property significantly affecting or
36 affected by the quality and character of the historic site or sites.

37 "Historic preservation restriction" means a "historic preservation
38 restriction" as defined in section 2 of P.L.1979, c.378 (C.13:8B-2).

39 "Historic site" means any real property, man-made structure,
40 natural object or configuration or any portion or group of the
41 foregoing of historical, archeological, cultural, scenic or
42 architectural significance.

43 "Inherently beneficial use" means a use which is universally
44 considered of value to the community because it fundamentally
45 serves the public good and promotes the general welfare. Such a
46 use includes, but is not limited to, a hospital, school, child care
47 center, group home, **[or]** a wind, solar, or photovoltaic energy
48 facility or structure, or electric vehicle charging infrastructure.

1 "Instrument" means the easement, credit, or other deed
2 restriction used to record a development transfer.

3 "Interested party" means: (a) in a criminal or quasi-criminal
4 proceeding, any citizen of the State of New Jersey; and (b) in the
5 case of a civil proceeding in any court or in an administrative
6 proceeding before a municipal agency, any person, whether residing
7 within or without the municipality, whose right to use, acquire, or
8 enjoy property is or may be affected by any action taken under
9 P.L.1975, c.291 (C.40:55D-1 et seq.), or whose rights to use,
10 acquire, or enjoy property under P.L.1975, c.291 (C.40:55D-1 et
11 seq.), or under any other law of this State or of the United States
12 have been denied, violated or infringed by an action or a failure to
13 act under P.L.1975, c.291 (C.40:55D-1 et seq.).

14 "Land" includes improvements and fixtures on, above or below
15 the surface.

16 "Local utility" means any sewerage authority created pursuant to
17 the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et
18 seq.); any utilities authority created pursuant to the "municipal and
19 county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et
20 seq.); or any utility, authority, commission, special district or other
21 corporate entity not regulated by the Board of Regulatory
22 Commissioners under Title 48 of the Revised Statutes that provides
23 gas, electricity, heat, power, water or sewer service to a
24 municipality or the residents thereof.

25 "Lot" means a designated parcel, tract or area of land established
26 by a plat or otherwise, as permitted by law and to be used,
27 developed or built upon as a unit.

28 (cf: P.L.2013, c.106, s.3)

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30 2. (New section) A municipality may, by ordinance, authorize
31 the administrative officer to review and approve an application for
32 development, submitted solely to seek approval of the installation
33 of electric vehicle charging infrastructure, in the manner of a minor
34 site plan approval, and, the review and approval of the application
35 shall not require reference to, or approval by, the planning board or
36 zoning board of adjustment.

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38 3. (New section) Electric vehicle charging infrastructure shall
39 be a permitted accessory use and permitted accessory structure in
40 all zoning or use districts of a municipality and shall not require a
41 variance pursuant to subsection d. of section 57 of P.L.1975, c.291
42 (C.40:55D-70).

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44 4. This act shall take effect immediately.

STATEMENT

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This bill provides that electric vehicle charging infrastructure is an inherently beneficial use pursuant to the “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.), may require minor site plan approval from the municipal administrative officer, and is a permitted accessory use and permitted accessory structure in all zoning or use districts of a municipality and would not require use variances.

Specifically, a municipality may, by ordinance, authorize the administrative officer to review and approve an application for development, submitted solely to seek approval of the installation of electric vehicle charging infrastructure, in the manner of a minor site plan approval, and, the review and approval of the application shall not require reference to, or approval by, the planning board or zoning board of adjustment.

Additionally, under the bill electric vehicle charging infrastructure would be a permitted accessory use and permitted accessory structure in all zoning or use districts of a municipality and shall not require a use variance pursuant to subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70).